

**Government of the District of Columbia**  
**Department of Insurance, Securities and Banking**



**Gennet Purcell**  
**Acting Commissioner**

**BULLETIN**  
**09-IB-01-10/02 REVISED**

**TO:** ALL INSURERS, HEALTH MAINTENANCE ORGANIZATIONS,  
AND THIRD-PARTY FILERS LICENSED TO DO BUSINESS IN THE  
DISTRICT OF COLUMBIA

**SUBJECT:** IMPLEMENTATION OF THE DOMESTIC PARTNERSHIP JUDICIAL  
DETERMINATION OF PARENTAGE AMENDMENT ACT OF 2009  
AND THE JURY AND MARRIAGE AMENDMENT ACT OF 2009

**FROM:** GENNET PURCELL, ACTING COMMISSIONER

**DATE:** OCTOBER 2, 2009

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This Bulletin is issued to provide guidance to all Insurers, Health Maintenance Organizations, and Third-Party Filers licensed to do business in the District of Columbia regarding the Jury and Marriage Amendment Act of 2009, effective July 7, 2009 (D.C. Law 18-9; 56 DCR 3797) and the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009, effective July 18, 2009 (D.C. Law 18-33; 56 DCR 4269). The two laws include provisions that will impact insurance coverage eligibility. A summary of the applicable provisions and guidance for compliance is provided below.

1. Jury and Marriage Amendment Act of 2009: Section 3(b) of this law provides that marriages legally entered into in another jurisdiction between two persons of the same sex shall be recognized as a marriage in the District so long as the marriage is not expressly prohibited by D.C. Official §§ 46-401 through 404 and 405 (2001).

Pursuant to this law, insurance products that cover the spouse of a primary insurance policyholder, or in the case of group policies, the spouse of an employee covered under a group policy, shall:

- cover the same-sex spouse of the insured provided the marriage of the two persons meets the requirements set forth above; and
- for same-sex couples married after July 7, 2009, consider the date in which the two persons entered into a recognized marriage in another jurisdiction as the date of a valid qualifying event for purposes of determining eligibility for benefits; or
- for same-sex couples married on or before July 7, 2009, consider the effective date of the law (July 7, 2009) as the date of a valid qualifying event for purposes of determining eligibility of benefits.

This requirement shall apply to all applicable policies beginning July 7, 2009.

2. Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009: Section 4 of this law accomplishes two principal objectives. First, the law directs the Mayor to certify as domestic partnerships in the District,<sup>1</sup> those relationships, other than marriages, that are established under the laws of other jurisdictions and are “substantially similar” to domestic partnerships in the District. Second, in the event that the Mayor does not exercise this broad recognition authority, the law requires the Mayor to certify any relationship, regardless of the terms or phrases used to describe the relationship, having all the rights and responsibilities of marriage under the laws of that jurisdiction, as a domestic partnership in the District.

Pursuant to this law, insurance products that cover the domestic partner of a primary insurance policyholder, or in the case of group policies, the domestic partner of an employee covered under a group policy, shall:

- cover the domestic partner of an insured in a relationship recognized as a domestic partnership pursuant to the law; and
- for couples who entered into a domestic partnership in another jurisdiction after July 18, 2009, consider the date in which the two individuals entered into a recognized domestic partnership in another jurisdiction as the date of a valid qualifying event for purposes of determining eligibility for benefits; or
- for couples who entered a domestic partnership in another jurisdiction on or before July 18, 2009, consider the effective date of the law (July 18, 2009) as the date of a valid qualifying event for purposes of determining eligibility for benefits.

This requirement shall apply to all applicable policies beginning July 20, 2009.

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<sup>1</sup> See section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992, D.C. Law 9-114, D.C. Official Code § 32-701(4) (2001) (definition of domestic partnership).

If insurers have any questions regarding the implementation of the Jury and Marriage Amendment Act of 2009, or the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009, or need additional information and a copy of the laws, please contact Jamai Fontaine, Insurance Examiner Manager, Department of Insurance, Securities and Banking, at (202) 442-7782, or by e-mail at [jamai.fontaine@dc.gov](mailto:jamai.fontaine@dc.gov).

If District of Columbia residents have any questions regarding the application of the Jury and Marriage Amendment Act of 2009, or the Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009, please contact Lee Backus, Insurance Operations Program Manager, Department of Insurance, Securities and Banking at (202) 442-7812, or by e-mail at [lee.backus@dc.gov](mailto:lee.backus@dc.gov).